

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELYSE SILVERMAN,

Plaintiff,

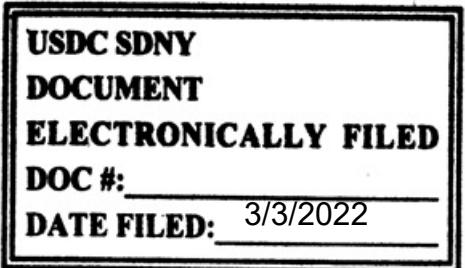
- against -

DELUXE BUILDING SOLUTIONS LLC, et al.,

Defendants.
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20-CV-4842 (AJN) (RWL)

ORDER



ROBERT W. LEHRBURGER, United States Magistrate Judge.

As discussed at the conference held on March 3, 2022:

1. Defendant's motion to compel (Dkt. 73) is denied as moot.
2. Defendant's request to extend the time to complete Ms. Silverman's deposition is denied.
3. Defendant's motion to dismiss (Dkt. 64) is denied without prejudice. As explained at the conference, the motion is procedurally improper as being filed post-pleadings and mid-discovery. Defendant may advance his arguments in a summary judgment pursuant to Fed. R. Civ. P. 56 at the conclusion of discovery. The Court is mindful of Defendant's arguments regarding federal subject matter jurisdiction. Fact discovery is necessary to resolve that issue. Accordingly, discovery shall continue and the issue will be addressed at summary judgment.

SO ORDERED.

A handwritten signature in black ink, appearing to be "RWL", written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: March 3, 2022
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this order to pro se Defendant Jacob Frydman and note service on the docket:

Jacob Frydman
46 Ledgerock Lane
Hyde Park, NY 12538.